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John V. Moriarty  
Woodward, Embardt, Moriarty, McNett & Henry LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, IN 46204-5137

In re Application of	:	
MASLEN, Desmond Jay	:	
Application No.: 10/512,122	:	DECISION ON PETITION
PCT No.: PCT/AU02/00513	:	
Int. Filing Date: 24 April 2002	:	
Priority Date: 27 April 2001	:	
Attorney Docket No.: 5754-2	:	
For: RADIAL ENGINE	:	

This decision is in response to applicant's "Petition Requesting Withdrawal of Notice of Abandonment under 37 CFR 1.181" filed 14 April 2005. No petition fee is required.

### BACKGROUND

On 24 April 2002, applicant filed the above-captioned international application which claimed a priority date of 27 April 2001. Pursuant to 37 CFR 1.495, the thirty-month time period for submitting the requisite basic national fee in the United States of America expired at midnight on 27 October 2004.

On 21 October 2004, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: an authorization to charge a credit card \$605.00; a copy of the international application; and an authorization to charge deposit account any additional fees which may be required.

On 01 April 2005, the United States Elected Office mailed a NOTIFICATION OF ABANDONMENT UNDER 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months.

On 14 April 2005, applicant filed "Petition Requesting Withdrawal of Notice of Abandonment under 37 CFR 1.181."

### DISCUSSION

The above-identified application was **ABANDONED** for failure to pay the full basic national fee 30 months from the priority date for international application PCT/AU02/00513. The basic national fee for a small entity whose international search

report was conducted by the Australian Patent Office is \$555. (See 37 Code of Federal Regulation 1.492(a)). A review of the finance record reveals that applicant's credit card was charged the following fees: \$555 (basic national fee) and \$50 (oath/declaration surcharge). Since the applicant gave authorization to charge any additional fees to deposit account no. 23-3030, applicant was charged an additional \$15 for the oath/declaration surcharge on 21 October 2004. Therefore, the payment of the basic national fee was timely and the Notification of Abandonment was mailed in error.

### CONCLUSION

For the reasons above, the request is GRANTED.

The Notification of Abandonment mailed 01 April 2005 is hereby VACATED and the holding of Abandonment is withdrawn.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration is required.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3298  
Fax: (571) 273-0459